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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,429	03/20/2001	Edmar Saul Marcheze	08144.0006	1492

22852 7590 03/14/2002

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EXAMINER

ANDREWS, MELVYN J

ART UNIT	PAPER NUMBER
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1742

DATE MAILED: 03/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/811,429

Applicant(s)

MARCHEZE, EDMAR SAUL

Examiner

Melvyn J. Andrews

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,5 and 7-10 is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/20/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 to 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitt (US 6,071,325) in view of McGaa (US 6,342,089) and Kitamori et al (US 4,372,968). Schmitt discloses a binder composition comprising pregelatinized starch (col.12, line 5) as a binder for agglomerating ore (col.3, lines 17 to 40) as well as minerals, such as coal and coke (col.3, lines 41 to 53) but does not disclose the combination of metallic oxide containing particles and particles of a carbonaceous reducing agent or the method by which pregelatinized starch is made but McGaa discloses pellets containing iron oxide-containing material (col.5, lines 57 to 64), an internal reductant such as coal or coke (col.5, lines 1 to 13) and a binder which may be an organic binder such as starch (col.6, line 36), it would have been obvious to one of ordinary skill in the art at the time the invention was made to include internal reductants in the Schmitt pellet as taught by McGaa in order to produce direct reduced iron while increasing production by increasing pellet activity, decreasing residence time and minimizing the generation of fines and Kitamori et al discloses a binder of "pregelatinized starch" may be made by dispersing starch in water and heating and drying (col.2, lines 40 to 56) it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a pregelatinized starch made by the method

disclosed by Kitamori et al as a binder in the Schmitt pellet since the Kitamori et al "pregelatinized starch" is a useful water soluble binder. With respect to Claim 2 Schmitt disclose that other substances may be added such as fluxes (col.6, lines 43 to 50).

***Allowable Subject Matter***

Claims 4, 5 and 7 to 10 allowed.

The following is a statement of reasons for the indication of allowable subject matter: The patents to Schmitt (US 6,071,325), McGaa (US 6,342,089), Whigham (US 3,957,482) and Kitamori et al (US 4,372,968) do not disclose or suggest a method or means for sequentially decreasing temperature of hot gas introduced to the agglomerates as moisture content of the agglomerates decreases. The rejection under 35 U.S.C. 112 based on possible improper claiming of a trademark by the expression "pre-gel" is overcome by applicant's response which referred to MPEP 608.01(v) which states that "examiners are authorized to permit use of the trademark if it is distinguished from common descriptive nouns by capitalization" since the expression "pre-gel" is not capitalized by applicant, this is construed by the examiner to be an admission that the expression "pre-gel" is not a trademark.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvyn J. Andrews whose telephone number is 703-308-3739. The examiner can normally be reached on 8:00A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy V King can be reached on 703-308-1146. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

*Melvyn Andrews*  
**MELVYN ANDREWS**  
**PRIMARY EXAMINER**

mja  
March 9, 2002